

REMARKS

In response to the Office Action dated August 2, 2004, claim 5 has been canceled without prejudice or disclaimer. Claims 1, 2, and 6 have been amended. Support for the amendments may be found in Figures 2 and 3 and the accompanying specification text. No new matter has been added. Reexamination and reconsideration of the claims as requested is respectfully requested.

Applicant notes that the drawings were objected to because reference characters (105) and (404) do not represent structural elements. Regarding (105), the element in the drawing will be removed. Regarding (404), the drawing will be modified to show a downward arrow indicating, as described in the specification, a downward or decreasing pressure, together with a lead line to "404".

The Examiner objects to the reference character (210) being labeled as both "room" and "space." The reference to "room" has been replaced by "space" at the single location in the specification where this occurred.

The Examiner objects to the inclusion of the following reference signs in the drawings that are not mentioned in the specification: double-sided arrow accompanied by "G" and "H" in Fig 3, and a reference character resembling IV in Fig. 4. Applicant proposes to remove both reference signs to overcome the objection.

Applicant submits herewith replacement sheets to overcome these objections.

Applicant respectfully requests the Examiner approve the drawing changes and remove the objections to the drawings.

In paragraph 4 on page 3 of the Office Action, the Examiner objects to the abstract of the disclosure because the original abstract now has the heading SUMMARY OF THE INVENTION. Applicant herewith submits a corrected heading and respectfully request that the Examiner remove the objection.

In paragraph 5 on page 3 of the Office Action, the Examiner objects to the placement of the listing of reference characters. Applicant herewith submits a substitute specification that deletes the reference character listing.

Applicant respectfully requests the Examiner remove the objection.

In paragraph 5 on page 3 of the Office Action, the Examiner objects to the submission of an amended specification without indication of changes made. A substitute specimen with changes is herewith submitted.

Applicant respectfully requests the Examiner remove the objection.

In paragraph 6 on page 3 of the Office Action, the Examiner objects to the inclusion of "an" between "comprising" and "upper bodies" in Claim 2. Applicant herewith submits amended Claim 2 to overcome the objection.

Applicant respectfully requests the Examiner remove the objection.

In paragraph 8 on page 3 of the Office Action, claims 1, 2, and 5-10 are rejected under 35 U.S.C. § 112 first paragraph as failing to comply with the written description requirement. Applicant respectfully traverses this rejection, but have amended the application to overcome the objections. Claims 1,2 and 6 have been amended and Claim 5 canceled.

The amendments clarify that the analyte may be withdrawn from an associated well if the pipette is immersed into the analyte of the associated well, that the apparatus further

has analysis chips and that each analysis chip is arranged in the flow path of the analyte from the well into the pipette and into a chamber or from the chamber into the pipette and into the well between the pipette and the chamber such that the analyte is sucked through the liquid channels of the analysis chip into the chamber or out of the chamber, respectively. Further, the amendments clarify that the surface is the surface of at least a part of the liquid channels of the analysis chips. With these amendments, Applicant believes that all claims comply with 35 U.S.C. § 112.

Applicant respectfully requests the Examiner withdraw the rejection of Claims 1, 2, and 5-10 under 35 U.S.C. § 112 first paragraph as failing to comply with the written description requirement.

In paragraph 10 on page 4 of the Office Action, claims 1, 2, and 5-10 are rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection, but have amended the application to overcome the objections. Claim 1 is rejected as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. Claims 2 and 5 are rejected as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. Accordingly, Claims 1, 2 and 6 have been amended and Claim 5 canceled. It is believed that all claims comply with 35 U.S.C. § 112.

Applicant respectfully requests that the Examiner withdraw the rejection of Claims 1, 2, and 5-10 under 35 U.S.C. § 112 second paragraph as failing to comply with the written description requirement.

CONCLUSION

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. The amendments clarify the patentable invention without adding new subject matter. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Jeffrey R. Stone at 952 253-4130.


Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: _____

2/1/05

By: _____


Jeffrey R. Stone
Reg. No. 47,976
JRS/mej